



# Canton Park District

250 South Avenue D  
Canton, Illinois 61520-1698  
309/ 647-1345 Fax: 309/ 647-2463

January 23, 2013

Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
Office of Proceedings  
395 E Street, S.W.  
Washington, DC 20423-0001

233714



Re. BNSF Railway Company Abandonment in Fulton County, Illinois, STB Docket No. AB 6  
(Sub-No 486X)

Dear Ms Brown:

Attached for filing are the original and ten (10) copies of a Request for Public Use Condition and Request for Interim Trail Use by the Canton Park District in the captioned case. Also, it is my understanding that the filing fee of \$250.00 is waived for units of local government under Title 49, Part 1002, §1002.2(c)(1)

Please time and date stamp the extra copy and return the same to my office in the self-addressed stamped envelope.

Please contact me should you have any questions or concerns

Sincerely,

Jon E. Johnson, MPA, CPRP  
Executive Director  
Canton Park District

**FILING FEE WAIVER**

#### COMMISSIONERS

Dr. William R. Budley Marion M. Kuzniar Kevin R. Stephenson - Susan L. Walters Brent C. Wheeler

Director Jon E. Johnson Supt. of Parks, Matt W. Murphy Facility Manager Billie J. McKenzie Legal Counsel Clouton, Host, Beal, Walters & Lane, Ltd



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Re BNSF Railway Company Abandonment in Fulton County, Illinois. STB Docket No AB 6  
(Sub-No. 48' ~~6X~~)

Dear Ms. Brown:

This request is filed on behalf of the Canton Park District, which is a unit of local government in the State of Illinois, interested in transportation, natural resources and recreation, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between Milepost 52.2 near Farmington and Milepost 66.7 near Dunfermline, Fulton County, Illinois

## A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment.

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is. The rail corridor in question will connect planned and existing trails with public parks, schools, residential areas, and commercial areas through three communities. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with existing plans. In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble or to review title information, complete a trail plan, and begin negotiations with the carrier

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2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

**B. Request For Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the Canton Park District is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by BNSF Railway Company.

The property, known as the BNSF Railway extends from Railroad Milepost 52.2 near Farmington, IL to Railroad Milepost 66.7 near Dunfermline, IL; a distance of 14.50 miles in Fulton County, Illinois. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 6 (Sub-No. 486X)

A map depicting the right-of-way is attached

Canton Park District acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon BNSF Railway Company, by U.S. Mail, postage prepaid, first class, this 23<sup>rd</sup> day of January, 2013.

Respectfully Submitted,



Jon E. Johnson, MPA, CPRP  
On Behalf of the Canton Park District

# EXHIBIT B





